

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 13-153

2001 DODGE RAM 2500
VIN: 3B6KC26Z21M256287,

Defendant,

and

DUANE PENA,

Claimant.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff states:

JURISDICTION AND VENUE

1. This is a civil action *in rem* for forfeiture of Defendant which has been located and will be arrested by execution of a Warrant for Arrest in the District of New Mexico; and during the pendency of this action Defendant, or its equivalent or proceeds thereof, will be subject to the jurisdiction of this Court.

2. The United States District Court for the District of New Mexico has exclusive, original jurisdiction under 28 U.S.C. §§ 1345, 1355 and 1356.

3. Venue is proper under 28 U.S.C. §§ 1355 and 1395.

4. The "res" or Defendant Property which is the subject of this action is a 2001 DODGE RAM 2500, VIN: 3B6KC26Z21M256287 (hereafter referred to as "Defendant Vehicle").

PARTIES AND CLAIMANTS

5. The following persons may claim an interest in Defendant Vehicle:

(a). Duane Pena.

STATEMENT OF FACTS

6. On October 3, 2012, a white Dodge Ram 2500 (Defendant Vehicle) was used as a conveyance to facilitate child solicitation in an investigation by Homeland Security Investigations (HSI) and the Albuquerque Police Department (APD).

7. During the investigation, contact was made by law enforcement with Duane Pena via an ad posted on the website Craigslist. Pena communicated via cell phone and computer with a person whom he believed was a 13-year-old female. Pena discussed sexual interaction with the perceived 13-year-old female, and arranged to meet said female for sexual activity, stating he would be driving a white truck to the meeting.

8. On October 3, 2012, at approximately 9:14 pm, Pena arrived at the arranged meeting location driving a white Dodge Ram 2500 (Defendant Vehicle).

9. Pena was instructed to flash his headlights to let the perceived 13-year-old female know he had arrived, and he flashed the truck's headlights upon arrival.

10. Duane Pena was encountered by law enforcement while inside the Defendant Vehicle and was placed under arrest.

11. The Defendant Vehicle was seized by HSI on October 3, 2012.

12. The Defendant Vehicle is registered to Duane Pena.

13. There are no known liens on the Defendant Vehicle.

CLAIMS FOR RELIEF

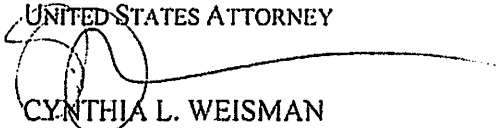
14. Defendant Vehicle is subject to arrest and forfeiture to Plaintiff under 18 U.S.C. § 2428 because it was used or intended to be used to commit or facilitate the commission of an offense regarding coercion and enticement of an individual who has not attained the age of 18 years to engage in sexual activity for which any person can be charged with a criminal offense.

WHEREFORE, Plaintiff seeks arrest of Defendant Vehicle and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimant and any Unknown Claimants to the Defendant Vehicle, costs and expenses of seizure and of this proceeding, and

other proper relief.

Respectfully submitted,

KENNETH J. GONZALES
UNITED STATES ATTORNEY



CYNTHIA L. WEISMAN
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P. O. Box 607
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28 U.S.C. ' 1746 DECLARATION

I am an Special Agent with Homeland Security Investigations who has read the contents of the Complaint for Forfeiture In Rem to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

DATED: 2/15/2013



Eric Bonza, Special Agent
Homeland Security Investigations